



Lesson Four: Unrestricted and Restricted Reporting Options

Method of Instruction: Lecture/Group Discussion/Role Play

Total Time Allotted: 75 minutes

Media: "When a Kiss is not just a Kiss: Sex Without Consent" video
Slides 17 - 21

Handouts: Unrestricted/Restricted Report Laminated Card
Victim Reporting Preference Statement Form

References: Army Regulation 600-20, Chapter 8 (Revised Final Draft – 12 September 2005). Available online at http://www.sexualassault.army.mil/files/Chapter%208_AR%20600-20_w%20App%20G-J_12%20Sept_05_FINAL%20DRAFT.pdf.

JTF-SAPR-009. Under Secretary of Defense Memorandum, "Confidentiality Policy for Victims of Sexual Assault," March 16, 2005

Show Slide 17 (Lesson Title Slide)



Lesson Four

Unrestricted and Restricted Reporting Options

1. (5 minutes) Inform the students of the overview and learning objectives of the lesson

Overview: The Army is committed to ensuring victims of sexual assault are protected, treated with dignity and respect, and provided advocacy, support and care. Army policy prefers complete reporting of all sexual assault incidents to activate both victims' services and accountability actions.



This lesson provides an overview of victims' reporting options and the benefits, limitations, and consequences associated with both unrestricted and restricted reporting and the UVA's role in informing victims of their options for reporting.

At the completion of this lesson, the UVA will be able to identify the reporting options available to victims in the Army's Sexual Assault Prevention and Response Policy and understand their role in informing victims of these options.

Show Slide 18 (Learning Objectives)



Learning Objectives:

- Describe the differences between restricted and unrestricted reporting and the limitations and benefits of each
- Discuss the UVA's role in informing victims of their reporting and treatment options

2. (15 minutes) Presentation

Show Slide 19 (Remember the Victim has Reporting Options)

(Note Slide 19 has both options outlined and is titled "Remember the Victim has Reporting Options")



Restricted Reporting:

- Allows the victim, on a **confidential** basis, to disclose details of the assault only to specified individuals:
 - VA
 - SARC
 - Chaplain
 - Healthcare Provider
- Law enforcement is not informed nor does the command structure become involved, thus eliminating the opportunity for disciplinary or protective action.



Unrestricted Reporting:

- Allows the victim to receive medical treatment, including a forensic examination, counseling, and to inform the appropriate legal/command authority.
- The advantage of the unrestricted reporting option is that notification of law enforcement and the command structure allows actions to be taken to protect the victim.

Remind UVA's of the reporting options available to victims under the Army's Sexual Assault Prevention and Response Program.

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Background for Instructor:

Purpose of Victim Reporting Options: Army policy prefers complete, or unrestricted, reporting of all sexual assault incidents to activate the victims' services, the investigative process, and accountability actions. However, recognizing that a mandate for complete reporting may represent a barrier to victims accessing services, Army policy provides victims with two reporting options, unrestricted and restricted.

Reporting Options are outlined in JTF-SAPR-009. Under Secretary of Defense Memorandum, "Confidentiality Policy for Victims of Sexual Assault," March 16, 2005 and in Chapter 8, AR 600-20 (Revised Final Draft-7 July 2005)

Pass out the laminated cards with Unrestricted/Restricted Reporting Options

Read the Statement: "The UVA must remember the **reporting options** available to victims in the Army's sexual assault policy."



Background for Instructor:

Restricted Reporting: Allows the victim, on a confidential basis, to disclose details of the assault only to specified individuals (VA, SARC, Chaplain or Medical Provider), and to receive medical treatment and counseling without notification of investigative authorities. As the name implies, the restricted reporting option restricts information concerning the sexual assault to the UVA, health care personnel (HCP), the Chaplain, and the SARC. Law enforcement is not informed nor does the command structure become involved, thus eliminating the opportunity for disciplinary or protective action.

The above responders will offer the victim the choice of receiving any and/or all of the following services:

- Medical treatment
- A forensic examination. (Evidence collected during a forensic exam will be maintained in a secure location for a year. Such evidence will only be processed if the victim decides to change the report from restricted to unrestricted and thus initiate the investigative process.)
- Advocacy services
- Referrals for counseling

Benefits of Restricted Reports:

- Victim receives appropriate medical treatment, advocacy, and counseling
- Provides victim some personal space and time to consider options and to begin the healing process
- Empowers victim to seek relevant information and support to make more informed decisions about participating in the criminal investigation
- Victim controls the release and management of his/her personal information
- Victim decides whether and when to move forward with initiating an investigation
- Non-identifying personal information gives the Senior Commander a more accurate picture of number of sexual assaults occurring



Background for Instructor:

Limitations of Restricted Reports:

- Victim's assailant remains unpunished and capable of assaulting other victims
- Assailant may continue to have contact with the victim
- Victim cannot receive a military protective order (MPO)
- Evidence from the crime scene where the assault occurred will be lost and could impede the official investigation if the victim chooses to switch to an unrestricted report
- Victim will not be able to discuss the assault with anyone, to include friends in the military, without imposing an obligation on them to report the crime. The only exceptions would be chaplains, designated healthcare providers, the victim advocate and the SARC

A Restricted Report may Become Unrestricted when:

- A victim discloses his/her sexual assault to someone other than a SARC, an advocate, Chaplain, or HCP (the protective sphere).
- In the event that information about a sexual incident is disclosed to the Commander from a source outside the restricted reporting avenues, or to law enforcement from other sources, the Command must report the incident to law enforcement. Law enforcement is authorized to conduct an independent investigation.

3. (5 minutes) Presentation (UVA Role with Victim Reporting)

Identify that a primary responsibility of the UVA is to review the reporting options with the victim and to get the victim to identify this option on the Victim Reporting Preference Statement form.



Pass out Victim Reporting Preference Statement form

Briefly discuss an overview of the form.

The UVA must have the victim sign the Victim Reporting Preference Statement (before proceeding with reporting/treatment options), indicating his/her preference for restricted or unrestricted reporting. The Victim Reporting Preference Statement form must be provided to the SARC. Victims changing from a restricted report to an unrestricted report must indicate the change on the original Victim Reporting Preference Statement form.

Background for Instructor:

If a victim refuses to sign the preference statement, the UVA must notify the SARC to ensure a formal report is made to CID and the appropriate Commander. Occasionally students will ask what happens if the victim signs the form in the restricted reporting block and then leaves. Nothing will happen in this case; the victim is free to walk away without providing any further information or triggering the investigative process.

The Victim Reporting Preference Statement form is important because it serves as protection to both the victim and UVA in formalizing the reporting option selected by the victim. It also serves as a checklist for the UVA to ensure victims are appropriately informed of their options.

A copy of the form should be provided to the victim.

4. (35 minutes) Video and Group Discussion

Show video "When a Kiss is not just a Kiss: Sex Without Consent" (start tape at count 14:30 and end at count 36:05)

Lead group in a discussion about the issues presented in the video.

Use the following questions to lead discussion:

1. According to the Army's definition of sexual assault, has an assault occurred in this scenario?



2. After the assault, the victim reported not wanting to talk to anyone about what happened. How does this reaction relate to the importance of reporting options outlined in the Army's sexual assault policy?
 3. What are three reasons why Donna (the victim) is hesitant to report the assault? Do these same barriers to reporting exist in the military?
 4. How can a UVA support a victim if she/he is having doubts about reporting the assault?
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5. (30 minutes) Role Plays

Break group into smaller groups of three for role play. Each group will consist of a victim, UVA, and observer. Have each group role play while instructor floats around room for observation.

Show Slides 20 - 21 (Role play scenarios)

Role Play # 1

A 26-year old female captain is in the emergency room at the MTF and has reported that she has been sexually assaulted by someone in her unit. She is very concerned about confidentiality and wants to know her rights as well as her choices. She is not aware of the Army's current sexual assault policy and is worried that this may affect her career as an Army officer.

What procedures does the UVA take to inform the victim of her rights to confidentiality and options?

Role Play # 2

A 20-year old victim approaches a UVA and states that she has been sexually assaulted by two Soldiers in her unit. She says she initially didn't want to report the assault because she was drinking at the time of the assault and was afraid that she would get in trouble. She now wants to come forward because she wants the assailants to be prosecuted.

What procedures does the UVA take to inform the victim of her rights to confidentiality, options, and to address the victim's concerns for her collateral misconduct?



Reunite small groups back into large group and lead a discussion about the role plays. Solicit feedback from each role in the scenario.

Use the following questions to lead discussion:

1. Did the UVA respond appropriately by explaining their role, informing victim of their reporting and treatment options, and by discussing available resources?
2. What are some of the challenges encountered by the UVA?
3. Did the victim feel informed and/or supported?